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MEMO ENDORSED

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April 13, 2015

**Via Electronic Filing**

Hon. Colleen McMahon  
United States District Court  
500 Pearl Street, Room 1640  
New York, N.Y. 10007

Re: *Consolidated Edison Company of New York, Inc. v. Lexington Insurance Company,*  
Case No. 14-cv-06547-CM  
Our File No.: 02331-007950

  
4/15/15

Dear Judge McMahon:

We represent defendant Lexington Insurance Company.

The purpose of this letter is to request a 30-day extension of the May 3, 2015 discovery completion deadline. This is our second request for an extension. On February 11, 2015, Your Honor granted a 60-day extension (from March 3<sup>rd</sup> to May 3<sup>rd</sup>) to allow time to complete depositions, given that Lexington's witnesses were having knee surgery (Dkt. # 24).

The reason we now need an additional 30 days is that the recovery of one of the witnesses has been slow, such that trying to do his deposition in April is unrealistic. Con Edison has agreed to this extension.

Pursuant to paragraph 12 of the Case Management Plan (the "Plan," Dkt. # 15), deadlines may be amended on a showing of good cause. This case was filed in August 2014 and the parties have been diligent with respect to discovery. Along with the witness's current physical condition, we believe good cause exists for this second extension.

For background, the complaint in this matter was filed on August 15, 2014. Defendant filed its answer on October 24, 2014, and the Plan was filed shortly thereafter. The Plan provided for all discovery to be completed on or before March 3, 2015, a little over four months later. Since the Plan was entered, the parties exchanged their initial disclosures, produced documents and undertook other written discovery.

On February 11, 2015, the Court granted a 60-day extension for the depositions given that Lexington's witnesses were both undergoing surgery. The reason for our request for an additional 30 days concerns one witness in particular, David Farrell. Mr. Farrell, 67, underwent a total knee replacement surgery (arthroplasty) on February 4, 2015. Mr. Farrell's rehabilitation has been slow and he still experiences

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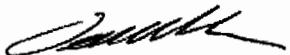
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stiffness and discomfort. Last week he sprained a ligament, which put him back in a brace and resulted in his physical therapy being extended another four weeks.

Based on his current condition, it does not appear realistic to try to take a deposition of Mr. Farrell within the existing deadline. Because we aim to coordinate depositions in the Boston area (where Mr. Farrell lives), the parties have agreed to a 30-day extension to complete depositions, subject to the Court's approval. We believe these unforeseeable circumstances provide good cause for a 30-day extension, from May 3, 2015 to June 3, 2015.

Thank for Your Honor's consideration of this request.

Respectfully,



Lawrence Klein  
Sedgwick LLP

cc: David L. Elkind